

Amendment No. 1 to SB0694

Bailey
Signature of Sponsor

AMEND Senate Bill No. 694

House Bill No. 186*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Bureau" means the bureau of TennCare;

(2) "Healthcare provider" means a healthcare professional who is licensed, registered, certified, or permitted pursuant to title 63 and regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health; and

(3) "Vagus nerve stimulation therapy device" or "VNS therapy device" means a medical device that is:

(A) Implanted in the left chest area with a lead wire that is surgically secured to the left vagus nerve and that sends mild electrical pulses through the vagus nerve that innervate to areas in the brain in an effort to control seizures; and

(B) Approved by the United States food and drug administration.

(b) The bureau shall develop and implement a pilot program during fiscal years 2023-2024 and 2024-2025 to provide supplemental payment to a hospital or ambulatory surgical treatment center that, at the direction of a healthcare provider, purchases a VNS therapy device and implants the device into a qualified patient.

(c) A hospital or ambulatory surgical treatment center is eligible to receive a supplemental payment for a VNS therapy device that is provided to a TennCare recipient under this section, if:

- (1) The recipient has drug-resistant epilepsy;
- (2) The managed care organization determines that a VNS therapy device is medically necessary pursuant to this title;
- (3) The recipient's healthcare provider and managed care organization determine the recipient has an increased likelihood of experiencing a higher risk of hospitalization if seizures persist; and
- (4) The hospital or ambulatory surgical treatment center is reimbursed an amount that is less than the full cost of the VNS therapy device by a managed care organization under contract with the bureau.

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.